

REMARKS

Claims 1, 3, 5, 11-13, 19 and 21 have been amended. Claims 1-8, 10-13 and 19-28 are pending.

Applicant's attorney wishes to thank the Examiner for the telephone conference on June 30, 2004 in which the claims of the present application were discussed. In particular, the Examiner indicated that the arguments filed in the Response dated April 8, 2004 were persuasive but that the independent claims did not appear to include sufficient structure for exerting two clamping forces on a workpiece. Thus, independent claims 1, 11 and 19 have been amended to include at least two clamp shoes to more distinctly claim the invention. Cosmetic changes have been made to dependent claims 3, 5, 12, 13 and 21 so that their terminology agrees with that of the independent claims from which they depend. Support for such amendments can be found, for example, on page 5, lines 9-27 of the application, and in Figs. 1 and 2. No new matter has been added.

In particular, referring to Fig. 1 of the application, when the handle 11 is moved in the direction of the arrow, the clamp shoes 19 and 20 move to engage and clamp the workpiece 2 in place (as shown in Fig. 2). Also, as shown in Fig. 2 and as recited in independent claims 1 and 11, the first and second toggle joints 13, 16 substantially simultaneously assume a dead point position. Independent claim 19 specifies that the first and second toggle joints do not pass their respective dead points simultaneously, but it recites: "...wherein the clamping member exerts a first clamping force and a second clamping force when the first and second toggle joints assume their respective dead point positions and the first clamping force is applied at an angle to the second clamping force.". The fact that two toggle joints assume two dead point positions is an essential feature of the invention. Such operation enables the clamp to lock and exert two clamping forces on the workpiece 2 so that pressure can be applied in both a horizontal and a vertical direction (as indicated by the arrows near clamp shoes 19 and 20 in Fig. 2).

As explained in the Response of April 8, 2004, the cited Olson patent discloses a clamping device that operates to clamp a steel member 7 in only one direction. In particular, as the clamping member 28 of Olsen moves to its fully clamped position (see Olsen, Fig. 1), the pin 33 moves to a point just ahead of vertical or dead center of the pin 33. In this position, the members 30 and 31 contact the pin member 44 to limit further movement and to provide an over dead center position that locks the clamping device assembly "A" in its fully engaged position. Thus, any further movement of the steel member 7 against the clamping

BEST AVAILABLE COPY

block 42 will not disengage or open the clamping assembly "A". Any upward thrust imposed on the clamping member 28 will not release the clamping device from its locked position (see page 2, col. 1, lines 36-49 of Olsen). Thus, although the Olsen clamping device obtains a dead point position about pin 33, it locks and asserts pressure on the steel member 7 only in the vertical direction.

In view of the above amendments and remarks, the applicant respectfully asserts that independent claims 1, 11 and 19 are not anticipated. Claims 3-4, 8, 10, 12, 13 and 18-24 all directly or indirectly depend upon claims 1, 11 and 19, and thus are not anticipated for at least the same reasons. Therefore, in view of the above amendments and remarks, the applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejections, and allowance of all of the pending claims.

In view of the amendments and remarks made herein, the applicants respectfully submit that the entire application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree that all pending claims are allowable, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of these claims.

Respectfully submitted,

Date: July 7, 2004


Allan A. Fanucci Reg. No. 30,256

WINSTON & STRAWN LLP
CUSTOMER NO. 28765

(212) 294-3311

NY.886868.1